

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

PAUL J. MANAFORT, JR.,

Defendant.

)
)
)
) Criminal No. 1:17-cr-00201-ABJ

)
) Judge Amy Berman Jackson
)
)
)
)
)

**DEFENDANT’S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE A
REPLY BRIEF IN SUPPORT OF HIS MOTION TO DISMISS**

Paul J. Manafort, Jr. respectfully moves pursuant to Federal Rule of Criminal Procedure 45(b)(1) for a three-day extension of time, to and including April 12, 2018, to file his reply brief in support of his motion to dismiss the superseding indictment, Doc. 235. The United States does not object to this motion. In support of the motion, Mr. Manafort states as follows:

1. On February 23, 2018, the grand jury returned a five-count superseding indictment against Mr. Manafort. Doc. 202.

2. On March 11, 2018, the Court entered a text order setting April 19, 2018 as the hearing date for any motions to dismiss the superseding indictment.

3. Mr. Manafort filed a motion to dismiss the superseding indictment on March 14, 2018. Doc. 235. That motion argues that the order of the Acting Attorney General appointing Robert S. Mueller III as Special Counsel exceeded the Acting Attorney General’s lawful authority and that the Special Counsel exceeded even the jurisdiction that the appointment order purports to grant. *See id.* at 9-11. Because these defects deprive this Court of jurisdiction and

violate Federal Rules of Criminal Procedure 6 and 7, the motion requests that the superseding indictment be dismissed in its entirety. *See id.* at 21-31.

4. Pursuant to Local Criminal Rule 47(b), the United States' opposition to Mr. Manafort's motion was due on March 28, 2018. On March 21, 2018, however, the United States filed a motion for a five-day extension of time, to and including April 2, 2018, in which to file his opposition. Doc. 240. Mr. Manafort consented to that motion. *Id.* at 1.

5. The Court granted that motion in a March 22, 2018 text order. In that order, the Court stated that "[g]iven the schedule for trial and other pretrial proceedings, the Court will not grant any further extensions of the briefing schedule for defendant's motion[] to dismiss, nor will it extend the date of the hearing for the[] motion[]."

6. Late in the evening of April 2, 2018, the United States filed a 45-page response to Mr. Manafort's motion. Doc. 244. That response relies heavily on a heretofore non-public memorandum by the Acting Attorney General, dated August 2, 2017, that purportedly clarifies the Special Counsel's jurisdiction. *See* Doc. 244-3. The United States admits that it has "not previously . . . provided" Mr. Manafort with a copy of that memorandum. Doc. 244, at 9 n.3.

7. Mr. Manafort's reply in support of his motion to dismiss is currently due on April 9, 2018, five days from today. L. Crim. R. 47(d). Where, as here, the deadline to file a reply has not expired, the Court may extend that deadline for good cause. Fed. R. Crim. P. 45(b)(1).

8. Good cause exists for a brief three-day extension to file Mr. Manafort's reply. Specifically, given the length of the United States' 45-page response, the numerous arguments raised in that response, and the revelation of the Acting Attorney General's previously undisclosed August 2017 memorandum, Mr. Manafort's counsel requires additional time to properly research and prepare a brief in reply.

9. Mr. Manafort acknowledges that this Court has previously stated that it will not further extend the briefing schedule. However, a brief extension of three days will not delay the April 19 hearing date, which Mr. Manafort does not seek to move. Nor will the United States be prejudiced; indeed, the United States does not oppose this motion. Even with the requested extension, Mr. Manafort's motion will still be fully briefed well before the scheduled hearing date on April 19, 2018, providing both the parties and the Court ample time to prepare for that hearing.

10. Mr. Manafort therefore respectfully requests an extension, to and including April 12, 2018, to file his reply brief in support of his motion to dismiss the superseding indictment.

A proposed order accompanies this motion.

Dated: April 4, 2018
Washington, D.C.

Respectfully submitted,

/s/ Kevin M. Downing
Kevin M. Downing
(D.C. Bar #1013894)
Law Office of Kevin M. Downing
601 New Jersey Avenue, N.W.
Suite 620
Washington, D.C. 20001
Telephone: (202) 754-1992
Email: kevindowning@kdowninglaw.com

/s/ Thomas E. Zehnle
Thomas E. Zehnle
(D.C. Bar #415556)
Law Office of Thomas E. Zehnle
601 New Jersey Avenue, N.W.
Suite 620
Washington, D.C. 20001
Telephone: (202) 368-4668
Email: tezehnle@gmail.com

Counsel for Defendant Paul J. Manafort, Jr.

TO:

Robert S. Mueller III
Andrew Weissmann
Michael R. Dreeben
Greg D. Andres
Adam C. Jed
U.S. Department of Justice
Special Counsel's Office
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
(202) 616-0800 (telephone)
(202) 616-8470 (fax)

Attorneys for the United States of America

Thomas C. Green
Sidley Austin LLP
1501 K Street, N.W.
Washington, D.C. 20005
(202) 736-8069 (telephone)
(202) 736-8711 (fax)
tcgreen@sidley.com

Attorney for Richard W. Gates III

Kevin M. Downing
Law Office of Kevin M. Downing
601 New Jersey Avenue, N.W.
Suite 620
Washington, D.C. 20001
Telephone: (202) 754-1992
Email: kevindowning@kdowninglaw.com

Thomas E. Zehnle
Law Office of Thomas E. Zehnle
601 New Jersey Avenue, N.W.
Suite 620
Washington, D.C. 20001
Telephone: (202) 368-4668
Email: tezehnle@gmail.com

Attorneys for Paul J. Manafort, Jr.